



**LAC  
DMH**  
LOS ANGELES COUNTY  
DEPARTMENT OF  
MENTAL HEALTH

## DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

SUBJECT	POLICY NO.	EFFECTIVE DATE	PAGE
<b>BENEFICIARIES RIGHTS AND RESPONSIBILITIES</b>	<b>201.01</b>	<b>08/15/2016</b>	<b>1 of 5</b>
APPROVED BY: <i>Robin Kay P.D.</i> Acting Director	SUPERSEDES  <b>N/A</b>	ORIGINAL ISSUE DATE  <b>08/15/2016</b>	DISTRIBUTION LEVEL(S)  <b>1, 2</b>

### PURPOSE

- 1.1 To ensure the Los Angeles County Department of Mental Health (LACDMH), as the Local Mental Health Plan (LMHP), acknowledges state and federal laws regarding the rights and responsibilities of persons eligible to receive medically necessary mental health services.
- 1.2 To ensure workforce members and contracted providers take the rights and responsibilities into account when furnishing Specialty Mental Health Services (SMHS) to eligible individuals.
- 1.3 To identify time frames when information regarding beneficiaries rights and responsibilities will be distributed.

### DEFINITION

- 2.1 **Beneficiary:** Any person certified as eligible for services under the Medi-Cal program as defined in California Code of Regulations (CCR) Title 9 § 1810.205 and according to Title 22 § 51000.2.
- 2.2 **Specialty Mental Health Services:** Defined in CCR Title 9 § 1810.247 as:
  - Rehabilitative services, including mental health services, medication support services, day treatment intensive, day rehabilitation, crisis intervention, crisis stabilization, adult residential treatment services, crisis residential treatment services, and psychiatric health facility services;
  - Psychiatric inpatient hospital services;
  - Targeted Case Management;
  - Psychiatrist and Psychologist services;
  - Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Supplemental Specialty Mental Health Services; and
  - Psychiatric nursing facility services.



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### **POLICY**

3.1 The LMHP and its providers shall notify beneficiaries of their rights and responsibilities through distribution of materials.

### **PROCEDURE**

#### 4.1 Beneficiary Rights

4.1.1 Persons eligible to receive SMHS from the LMHP have the right to:

4.1.1.1 Receive information about the services, treatment options, and alternatives offered by the LMHP in a form that is easily accessible and easy to read. Such information shall be accessible in all identified threshold languages and shall appropriately accommodate persons with special needs, such as a visual impairment or reading difficulty. Beneficiaries have the right to free language assistance services. This includes information about:

- The individual's rights and responsibilities
- Available services
- Available practitioners and providers
- Other obligations of the LMHP
- Requirements of the LMHP's contract with the state in the areas of:
  - Available services;
  - Assurance of adequate capacity and services;
  - Coordination and continuity of care;
  - Coverage;
  - Authorization of service;
  - Title 42 Code of Federal Regulation (CFR) § 438.10, which describes information requirements; and
  - Health care services in accordance with Title 42 CFR and §§ 438.206 through 438.210.

4.1.2 Receive a copy of the LMHP Guide to Medi-Cal Mental Health Services and participating provider lists;



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- 4.1.3 Be treated with personal respect, recognition of their dignity, and right to privacy;
- 4.1.4 Receive services in a safe environment;
- 4.1.5 Receive, free of charge, language assistance (including beneficiaries who have Limited English Proficiency and/or are Deaf or Hearing Impaired) and upon request, cultural-specific providers and services;
- 4.1.6 Participate with practitioners and providers in making decisions about their mental health care, including the right to refuse treatment;
- 4.1.7 Participate in candid discussions of appropriate medically necessary treatment options for their condition;
- 4.1.8 Voice complaints about the LMHP or the care it provides, as well as file grievances and appeals with the LACDMH Patients' Rights Office (PRO) in accordance with LACDMH Policy No. 200.04, Beneficiary Problem Resolution Process;
  - 4.1.8.1 If the individual is enrolled in a Health Maintenance Organization (HMO) that is separate from Medi-Cal, the grievance and appeal processes must go through that HMO.
- 4.1.9 Make recommendations regarding the LMHP's beneficiary rights and responsibility policy;
- 4.1.10 Be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience, punishment, or retaliation as specified in federal rules about the use of restraints and seclusion in facilities such as hospitals, nursing facilities, and psychiatric residential treatment facilities;
- 4.1.11 Request and receive a copy of their medical records and request for amendment(s) or correction(s) consistent with LACDMH Policy No. 501.01, Clients' Right to Access Protected Health Information (PHI); LACDMH Policy No. 501.04, Client Rights to Request Confidential Communication of Protected Health Information; and LACDMH Policy No. 501.06, Client Rights to Amend Mental Health Information;



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4.1.12 Receive a second opinion by a licensed mental health professional, other than a psychiatric technician or a licensed vocational nurse, employed by, contracting with, or otherwise made available by the LMHP when the LMHP or its providers determine that the medical necessity criteria in CCR Title 9 Chapter 11 § 1830.205(b)(1), (b)(2), or (b)(3)(C) and §1830.210(a) have not been met and that the beneficiary is therefore not entitled to any SMHS from the LMHP;

4.1.12.1 The LMHP shall determine whether the second opinion requires a face-to-face encounter with the beneficiary.

4.1.12.2 The second opinion shall be provided at no cost to the beneficiary.

4.1.13 Receive timely access to mental health services regardless if the mental health need is routine, urgent, or an emergency psychiatric condition; and

4.1.14 Participate in efforts to promote the delivery of services in a culturally competent and linguistically appropriate manner. This includes services for those persons with Limited English Proficiency and/or are Deaf or Hearing Impaired and have diverse cultural and ethnic backgrounds.

### 4.2 Beneficiary Responsibilities

4.2.1 Persons eligible to receive mental health services from the LMHP have the responsibility to:

4.2.1.1 Provide honest and complete information (to the extent possible) about their mental health needs required by the LMHP and its practitioners/providers in order to evaluate and provide care;

4.2.1.2 Participate in developing mutually agreed-upon treatment goals and objectives and signing the treatment plan form acknowledging agreement with the stated goals and objectives;

4.2.1.3 Clarify any problems/issues with their practitioner/provider to the extent possible; and



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4.2.1.4 Take an active part in their mental health treatment including following plans and instructions for care they have agreed to with their practitioner/provider, keeping appointments as scheduled, or calling if unable to keep an appointment.

4.3 LACDMH, as the LMHP, will distribute the above information to clients upon enrollment and annually thereafter.

4.4 Staff employed by the LACDMH and its Legal Entity (LE) and Network Providers will receive information about clients' rights and responsibilities upon employment or becoming a LE or Network Provider, and annually thereafter.

### **AUTHORITY**

1. Code of Federal Regulations Title 42 Chapter IV Part 438 §§ 438.10; 438.100(b); § 438.206 through 438.210
2. California Code of Regulations Title 9 § 1810.205 and according to Title 22 § 51000.2
3. California Code Regulations Title 9 § 1810.247
4. California Code of Regulations Title 9 § 1810.360
5. California Code of Regulations Title 9 Chapter 11 § 1830.205(b)(1), (b)(2), or (b)(3)(C) and § 1830.210(a)
6. State of California Medi-Cal Program
7. State of California Department of Health Care Services
8. Guide to Medi-Cal Mental Health Services

### **RESPONSIBLE PARTY**

LACDMH Patients' Rights Office